

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CECIL KOGER,

Plaintiff,

v.

DIRECTOR GARY C. MOHR, et al.,

Defendants.

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Case No. 4:17-cv-02409

Judge Benita Y. Pearson

**MOTION IN LIMINE TO PREVENT PLAINTIFF FROM MAKING ANY REFERENCE
RELATING TO HIS DREADLOCKS, ODRC'S REVISED GROOMING POLICY,
AND/OR THE FORCE CUTTING OF HIS HAIR**

Pursuant to Federal Rules of Evidence 401, 402 and 403, Defendants respectfully move the Court for an Order prohibiting Plaintiff Cecil Koger ("Plaintiff") from making any reference relating to his dreadlocks, ODRC's revised grooming policy, 65-GRM-01, or the force cutting of his hair at the trial of this matter. A memorandum in support is attached.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Mindy Worly

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MEMORANDUM

Plaintiff Cecil Koger (“Plaintiff”), an inmate serving a life sentence at the Richland Correctional Institution (“RiCI”), may attempt to resurrect claims under RLUIPA and/or the First Amendment at the trial of this matter by referencing his dreadlocks, ODRC’s revised grooming policy, 65-GRM-01, or the force cutting of his hair. On appeal, the Court of Appeals was not presented with any claims regarding the “force cutting” of Plaintiff’s hair. Therefore, any such claim has been waived. Doc. 2-02, at Page 9.

Likewise, the Court of Appeals found, Koger did not argue that making an accommodation request to grow his dreadlocks thicker than 1/2 inch in diameter or submitting to an assessment by prison officials to determine the circumference his dreadlocks would substantially burden his religious practice. Doc. 2-02, at Page 10. Thus, these claims, too, have been waived.

The Court of Appeals similarly held Plaintiff did not show that ODRC’s revised grooming policy prevents him from growing his dreadlocks naturally. Therefore, he cannot “demonstrate that [the] prison policy substantially burdens [his] religious practice.” Doc. 2-02, at Page 11, 15 (*quoting Haight v. Thompson*, 763 F.3d 554, 559-60 (6th Cir. 2014)).

Because any “such references may unduly prejudice the jury against Defendants based on matters no longer at issue in this case,” *Silberstein v. City of Dayton*, Case No. 3:02CV522, 2007 U.S. Dist. LEXIS 4141 (S.D. Ohio 2007), Plaintiff should be precluded from making any reference to the force cuttings of his hair, his dreadlocks, or to ODRC’s revised grooming policy, 65-GRM-01, at the trial of this matter.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion in Limine to Prevent Plaintiff from Making Any Reference Relating to His Dreadlocks, ODRC's Revised Grooming Policy, and/or the Force Cutting of His Hair* has been electronically filed on September 13, 2021. Notice of this filing will be sent to counsel for all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Mindy Worly
Mindy Worly (0037395)
Principal Assistant Attorney General